

REMARKS

The Office has restricted the present application as follows:

Group I – Claims 1-6, 10-16 and 40 and 41 (drawn to detecting apoptosis by detecting nucleolin and PARP-1 using antibody);

Group II – Claims 1-4, 7-9, 13-16 and 40-41 (drawn to detecting apoptosis by detecting nucleolin and PARP-1 using oligonucleotide);

Group III – Claims 17-24 (in part);

Group IV- Claims 17-24 (in part);

Group V – Claims 17-22 and 25-27 (in part);

Group VI – Claims 28-33 (in part);

Group VII – Claims 28-30 and 34-36 (in part); and

Group VIII – Claims 28-31 and 37-39 (in part).

Applicants elect, with traverse (in part), Group I, claims 1-6, 10-16, 40 and 41, drawn to detecting apoptosis by detecting nucleolin and PARP-1 using antibody.

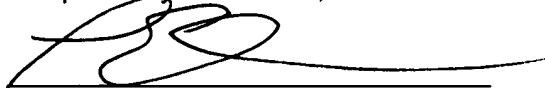
Restriction is only proper if the identified groups are independent or distinct. The burden is on the Office to provide reasons and/or examples to support its conclusion that the identified groups are independent or distinct. M.P.E.P. § 803.

Applicants respectfully traverse the restriction between Groups I and II. The Office has failed to provide any discussion about the reasons for restricting between these two Groups. Neither reasons nor examples have been provided. The Office has failed to characterize the relationship between these two Groups. Withdrawal of restriction between these two Groups is respectfully requested.

Applicants respectfully suggest that these two Groups both be examined together, since the antibody used in the method of Group I and oligonucleotide of Group II both function by binding to a molecule (nucleolin and/or PARP-1) which is an indicator of apoptosis. Furthermore, Claim 1 is included in both Groups.

Alternatively applicants respectfully suggest that a species election between Groups I and II, rather than a restriction, may be more appropriate. If the Office chooses to make this change, then applicants would elect detecting nucleolin and PARP-1 using antibody, as the species of a species election. Claims 1-6, 10-16, 40 and 41 would read on the elected species, and claims 1-4, 13-16, 40 and 41 would be generic.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul E. Rauch', written over a horizontal line.

Paul E. Rauch, Ph.D.
Registration No. 38,591

Evan Law Group LLC
566 West Adams
Suite 350
Chicago, Illinois 60661
(312) 876-1400